

## **PREFACE TO 1998 EDITION**

At the First Circuit Judicial Conference on October 1, 1997, the assembled federal judges voted to approve the publication of these pattern instructions. Although we believe that the pattern instructions and, in particular, the commentary that accompanies them will be helpful in crafting a jury charge in a particular case, it bears emphasis that no district judge is required to use the pattern instructions, and that the Court of Appeals has not in any way approved the use of a particular instruction.

It is our hope to keep these pattern instructions updated as the law develops. As a result, we welcome any suggested modifications or improvements. In addition, we invite the submission of pattern charges for any other commonly charged crimes in the First Circuit.

Particular thanks are due to Professor Melvyn Zarr of the University of Maine School of Law and John Ciraldo of Perkins, Thompson, Hinckley & Keddy who co-chaired the drafting committee, as well as to each of the members of that committee who worked diligently to produce these pattern instructions.

D. Brock Hornby  
United States Chief District Judge  
District of Maine

11/97

## CITATIONS TO OTHER PATTERN INSTRUCTIONS

We have abbreviated our citations to other pattern instructions as follows:

Fifth Circuit Instruction . . . . .	Fifth Circuit District Judges Association Pattern Jury Instructions Committee, <u>Pattern Jury Instructions, Criminal Cases</u> (1990)
Sixth Circuit Instruction . . . . .	Sixth Circuit District Judges Association Pattern Criminal Jury Instructions Committee, <u>Pattern Criminal Jury Instructions</u> (1991)
Eighth Circuit Instruction . . . . .	Eighth Circuit Committee on Model Criminal Jury Instructions, <u>Manual of Model Criminal Jury Instructions for the District Courts of the Eighth Circuit</u> (1996)
Ninth Circuit Instruction . . . . .	Ninth Circuit Committee on Model Criminal Jury Instructions, <u>Manual of Model Criminal Jury Instruction for the District Courts of the Ninth Circuit</u> (1995)
Eleventh Circuit Instruction . . . . .	Eleventh Circuit District Judges Association Pattern Jury Instructions Committee, <u>Pattern Jury Instructions, Criminal Cases</u> (1985)
Federal Judicial Center Instruction . . . . .	Federal Judicial Center, <u>Pattern Criminal Jury Instructions</u> (1988)
Sand, et al., Instruction . . . . .	Leonard B. Sand et al., <u>Modern Federal Jury Instructions</u> (2000)

## **HOW TO USE THE PATTERN INSTRUCTIONS**

These instructions will function best if specific references to the case being tried are inserted. For example, every time we have put the word “defendant” in brackets we intend the instructing judge to substitute the defendant’s actual name. The same holds true when the word “witness” is bracketed. General studies of juror understanding suggest that juries understand better when actual names are used rather than terms like “defendant” or “witness.” On the same rationale, we have used the term “I” rather than the third person “the court” when referring to the judge. Finally, where we have given alternatives, select the alternative(s) that best fit(s) the evidence in your case.